

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

NANCY RENEE PARKS,

Plaintiff,

VS.

7 : 13-CV-04 (HL)

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.

RECOMMENDATION

This is a Social Security appeal filed by the Plaintiff, who is proceeding *pro se*, on January 7, 2013. (Doc. 1). The Commissioner filed her Answer to the Plaintiff's Complaint on April 4, 2013 (Doc. 9), and Local Rule 9.2 required the Plaintiff to file a brief in support of her claims within thirty (30) days thereafter. On August 5, 2013, the undersigned issued a Show Cause Order to the Plaintiff based on the Plaintiff's failure to file a brief as required by Local Rule 9.2. (Doc. 11). In this Order, the Court ordered the Plaintiff to show cause within fourteen (14) days as to why this case should not be dismissed for failure to prosecute and for failure to follow the rules of this Court, and notified the Plaintiff of the Local Rule requiring her to file a brief regarding her claims.

The Plaintiff has failed to file either a brief regarding her claims, as required by Local Rule 9.2, or a response to the Court's Show Cause Order. Under Rule 41(b) of the Federal Rules of Civil Procedure, a case may be dismissed upon a determination of a "clear record

of delay or willful contempt and a finding that lesser sanctions would not suffice."

Goforth v. Owens, 766 F.2d 1533, 1535 (11th Cir. 1985). Litigants proceeding *pro se* are not exempted from this requirement of diligent prosecution. *Moon v. Newsome*, 863 F.2d 835 (11th Cir. 1989). The Court's inherent power to dismiss cases in which the plaintiff has failed to diligently prosecute his action "is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the District Courts." *Link v. Wabash R.R.*, 370 U.S. 626, 630 (1962).

A review of this action reveals a clear record of delay or willful contempt on the part of the Plaintiff. More than four (4) months have passed since the Commissioner filed her Answer, which triggered the Plaintiff's responsibility to file a brief in support of her claims. The Plaintiff has failed to file said brief and has failed to comply with the directives of this Court. The Court finds that lesser sanctions will not suffice. Inasmuch as the Plaintiff has failed to respond to the Court's Show Cause Order and has failed to follow the rules of this Court, it is the recommendation of the undersigned that this matter be **DISMISSED**. Pursuant to 28 U.S.C. ' 636(b)(1), the parties may file written objections to this Recommendation with the Honorable Hugh Lawson, United States District Judge, WITHIN FOURTEEN (14) DAYS after being served with a copy of this Recommendation.

SO RECOMMENDED, this 27th day of August, 2013.

s/ **THOMAS Q. LANGSTAFF**
UNITED STATES MAGISTRATE JUDGE